



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider a Resolution Establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements

MEETING DATE: February 21, 2001

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements fronting the parcels located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively).

BACKGROUND INFORMATION: A Tentative Map for Sunwest XIV, Unit No. 1, a single-family residential project, was approved by the Planning Commission on February 10, 1997. As a condition of approval, the developer was required to construct improvements at City expense on the north side of Tienda Drive along the City-owned property west of the development (Roget Park site), in conjunction with the Sunwest XIV, Unit No. 1 development. Although the City had acquired a portion of the necessary right-of-way on the south side of Tienda Drive in conjunction with the agreement approved by the City Council on June 20, 1996, for the acquisition of the westerly portion of the Roget Park site (APN 027-040-78), negotiations for acquisition of right-of-way with the owner of the adjacent parcel to the east (APN 027-040-17), First Church of the Nazarene, had been unsuccessful. Since all the necessary right-of-way had not been secured, installation of street improvements on the south side of Tienda Drive was not required as a condition of development at that time. The Improvement Agreement for the Sunwest XIV, Unit No. 1, was approved by the Council on October 21, 1998. The location of the above referenced parcels in relation to the subject Tienda Drive improvements is shown in Exhibit A.

In an ongoing effort to accomplish construction of the full street improvements on Tienda Drive with the Sunwest XIV development and at the request of First Church of the Nazarene, the City reopened negotiations to acquire the right-of-way along the south side of Tienda Drive in exchange for street frontage improvements. An agreement with First Church of the Nazarene was subsequently approved by the City Council on August 5, 1998, and recorded in the San Joaquin County Records Office on August 20, 1998, as Instrument No. 98097296. The agreement stipulates that, in exchange for the right-of-way dedication, the City will construct the street frontage improvements on the south side of Tienda Drive (curb, gutter, sidewalk, street paving, etc.) at City expense and a reimbursement will be prepared requiring the Church or their successors to pay their fair share of the utility construction costs at the time of connection to the utilities.

An Addendum to the Improvement Agreement for the Sunwest XIV project covering construction of street improvements on the south side of Tienda Drive was approved by the City Council on June 25, 1999. Pursuant to the Addendum to the Improvement Agreement, the developer of the Sunwest XIV, Unit 1,

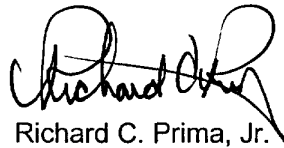
APPROVED:

H. Dixon Flynn -- City Manager

development constructed the improvements for Tienda Drive west of the development. The development improvements including Tienda Drive improvements were accepted by the City Council on January 19, 2000, by Resolution No. 2000-05. Per the terms of the Amendment, the Developer was reimbursed by the City for the costs of improvements on Tienda Drive west of the development.

In conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of the Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B. Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received.

FUNDING: Not applicable



Richard C. Prima, Jr.
Public Works Director

Prepared by: Sharon Welch, Senior Civil Engineer
SNG & Associates, Inc.

RCP/SAW/SNG/pmf

Attachments

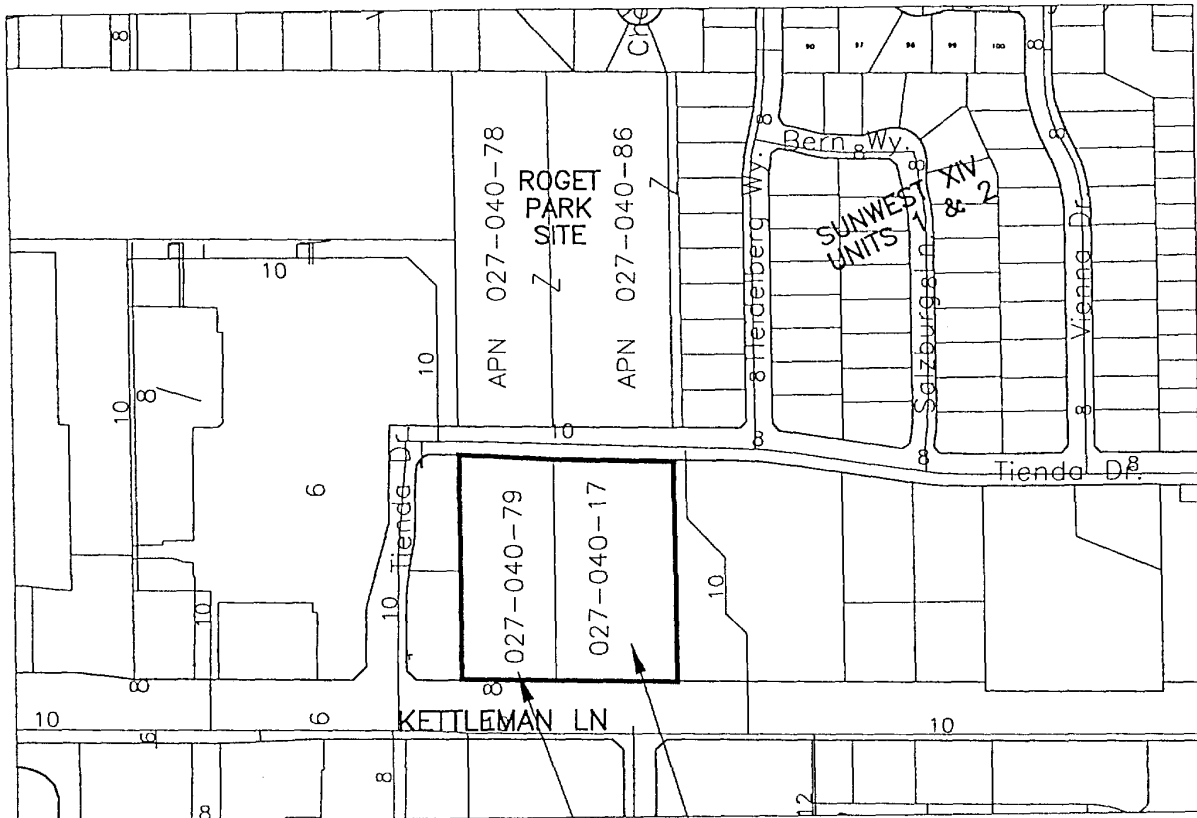
cc: Randy Hays, City Attorney
Senior Civil Engineer – Development Services
First Church of Nazarene
Ronald C. Dunscombe et al.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

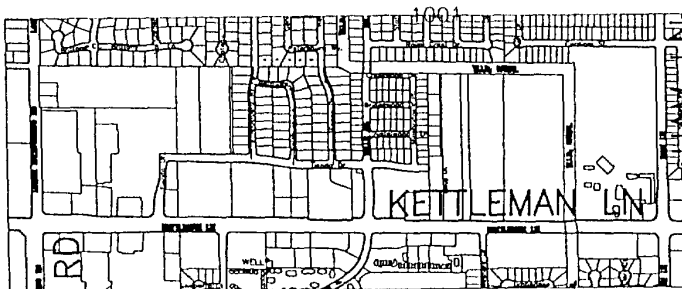
EXHIBIT A AREA OF BENEFIT



DETAIL

CHURCH OF NAZARENE
APN: 027-040-17
2241 West Kettleman Lane

APN 027-040-79
2223 West Kettleman Lane



VICINITY MAP

N.T.S.

Development: Tienda Drive Street Improvements
Engineer: Baumbach & Piazza

Date: 1/4/01

TOTAL COST OF TIENDA DRIVE IMPROVEMENTS FUNDED BY CITY						REIMBURSABLE IMPROVEMENTS			
						A. APN 027-040-79		B. APN 027-040-17	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total
Tienda Drive Improvements Sta. 11+16.23 to Sta. 15+65.31									
Street System									
1	Clearing & Grubbing	1	LS	\$6,800.00	\$6,800.00	0.22	\$1,496.00	0	\$0.00
2	Roadway Excavation	1,900	CY	3.50	6,650.00	418	1,463.00	0	0.00
3	Compact Original Ground (0.50')	21,250	SF	0.11	2,337.50	4,360	479.60	0	0.00
4	Compact Native Material (0.50')	21,250	SF	0.11	2,337.50	4,360	479.60	0	0.00
5	Aggregate Base, Class II (0.90')	21,250	SF	0.75	15,937.50	4,360	3,270.00	0	0.00
6	Asphalt Concrete, Type B (0.33')	21,250	SF	0.85	18,062.50	4,360	3,706.00	0	0.00
7	Vertical Curb, Gutter & Sidewalk	770	LF	24.00	18,480.00	198	4,752.00	0	0.00
8	Concrete Subgrade Compaction	6,738	SF	0.25	1,684.50	1,485	371.25	0	0.00
9	Remove Existing Barricade	1	EA	250.00	250.00	0.25	62.50	0	0.00
10	Street Lights	2	EA	2,320.50	4,641.00	0.50	1,160.25	0.50	1,160.25
	Subtotal				\$77,180.50	Subtotal	\$17,240.20	Subtotal Street System	\$1,160.25
						10% Engineering & Administration	\$1,724.02	10% Engineering & Administration	116.03
						Total Street System	\$18,964.22	Total Street System	\$1,276.28
Storm Drain System									
1	18" Storm Drain Pipe	44	LF	\$35.00	\$1,540.00	0	\$0.00	44	\$1,540.00
2	Connect to Existing Manhole	1	LS	400.00	400.00	0	0.00	1	400.00
3	Adjust Manhole Frame to Grade	1	EA	275.00	275.00	0.25	68.75	0	0.00
	Subtotal				\$2,215.00	Subtotal	\$68.75	Subtotal Storm Drain System	\$1,940.00
						10% Engineering & Administration	\$6.88	10% Engineering & Administration	194.00
						Total Storm Drain System	\$75.63	Total Storm Drain System	\$2,134.00
Water System ⁽¹⁾									
1	10" CI 200 PVC Water Pipe	20	LF	\$25.00	\$500.00	5	\$125.00	5	\$125.00
2	10" Water Line	448	LF	17.50	7,840.00	87	1,522.50	125	2,187.50
3	10" Water Valve	1	EA	515.00	515.00	0.25	128.75	0.25	128.75
4	Fire Hydrant Assembly	1	EA	1,400.00	1,400.00	0.25	350.00	0.25	350.00
5	10" Water Service (Sta. 13+08 & 15+00)	110	LF	27.00	2,970.00	55	1,485.00	55	1,485.00
6	10" Cross (Sta. 13+08)	1	EA	27.00	27.00	0.50	13.50	0	0.00
7	Blowoff	4	EA	600.00	2,400.00	1	600.00	1	600.00
	Subtotal				\$15,652.00	Subtotal	\$4,224.75	Subtotal Water System	\$4,876.25
						10% Engineering & Administration	422.48	10% Engineering & Administration	487.63
						Total Water System	\$4,647.23	Total Water System	\$5,363.88
	Total Costs:				\$95,047.50	Total	\$23,611.45	Total	\$6,640.15
						Engineering Plan Check Fee (4.5%)	\$1,062.52	Engineering Plan Check Fee (4.5%)	\$298.81
						Engineering Inspection Fee (2.5%)	590.29	Engineering Inspection Fee (2.5%)	166.00
						Reimbursement Application Fee ⁽²⁾	390.00	Reimbursement Application Fee ⁽²⁾	110.00
						Total	\$25,654.25	Total	\$7,214.96
	Reimbursable Costs:					A. APN 027-040-79	\$25,654.25	B. APN 027-040-17	\$7,214.96
	Interest from 1/00 to 1/01: ⁽³⁾						\$640.31		\$180.08
	Total Reimbursable Costs (2001):						\$26,294.56		\$7,395.04

⁽¹⁾ Prices shown for 10" CI 200 PVC Water Pipe, 10" Water Line and 10" Water Valve have been adjusted to include credit for oversize mains.

⁽²⁾ The Reimbursement Application Fee is 1% of the reimbursable construction costs or \$500, whichever is more. The application fee has been prorated based on the percentage of total costs for each parcel.

⁽³⁾ The interest is calculated based on the formula shown below. The reimbursable costs will be recalculated in January of each year in conformance with LMC 16.40.50.A.3.

Reimbursable Costs x [ENR Index for January 2001 - ENR Index for January 2000]
ENR Index for January 2000

RESOLUTION NO. 2001-45

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE
COSTS FOR TIENDA DRIVE IMPROVEMENTS
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WHEREAS, the Lodi City Council has adopted Ordinance No. 1518, creating and establishing the authority for imposing and charging Development Impact Mitigation Fees in the City of Lodi; and

WHEREAS, the Public Works Director has submitted additional information regarding actual project cost(s) for the Kettleman Lane (Tienda Drive) Lift Station and the Tienda Drive Sewer Main projects, both within the Kettleman Lane Lift Station Service Area; and

WHEREAS, a Tentative Map for Sunwest XIV, Unit No. 1, a single-family residential project, was approved by the Planning Commission on February 10, 1997. As a condition of approval, the developer was required to construct improvements at City expense on the north side of Tienda Drive along the City-owned property west of the development (Roget Park site), in conjunction with the Sunwest XIV, Unit No. 1 development; and

WHEREAS, although the City had acquired a portion of the necessary right-of-way on the south side of Tienda Drive in conjunction with the agreement approved by the City Council on June 20, 1996, for the acquisition of the westerly portion of the Roget Park site (APN 027-040-78), negotiations for acquisition of right-of-way with the owner of the adjacent parcel to the east (APN 027-040-17), First Church of the Nazarene, had been unsuccessful; and

WHEREAS, since all the necessary right-of-way had not been secured, installation of street improvements on the south side of Tienda Drive was not required as a condition of development at that time. The Improvement Agreement for the Sunwest XIV, Unit No. 1, was approved by the Council on October 21, 1998. The location of the above referenced parcels in relation to the subject Tienda Drive improvements is shown in Exhibit A; and

WHEREAS, in an ongoing effort to accomplish construction of the full street improvements on Tienda Drive with the Sunwest XIV development and at the request of First Church of the Nazarene, the City reopened negotiations to acquire the right-of-way along the south side of Tienda Drive in exchange for street frontage improvements. An agreement with First Church of the Nazarene was subsequently approved by the City Council on August 5, 1998, and recorded in the San Joaquin County Records Office on August 20, 1998, as Instrument No. 98097296. The agreement stipulates that, in exchange for the right-of-way dedication, the City will construct the street frontage improvements on the south side of Tienda Drive (curb, gutter, sidewalk, street paving, etc.) at City expense and a reimbursement will be prepared requiring the Church

or their successors to pay their fair share of the utility construction costs at the time of connection to the utilities; and

WHEREAS, an Addendum to the Improvement Agreement for the Sunwest XIV project covering construction of street improvements on the south side of Tienda Drive was approved by the City Council on June 25, 1999. Pursuant to the Addendum to the Improvement Agreement, the developer of the Sunwest XIV, Unit 1, development constructed the improvements for Tienda Drive west of the development. The development improvements including Tienda Drive improvements were accepted by the City Council on January 19, 2000, by Resolution No. 2000-05. Per the terms of the Amendment, the Developer was reimbursed by the City for the costs of improvements on Tienda Drive west of the development; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of the Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B. Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received; and

WHEREAS, such information was available for public inspection and review fourteen days prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. FEES:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of the Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B attached; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received.

Dated: February 21, 2001

=====


I hereby certify that Resolution No. 2001-45 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


Susan J. Blackston
City Clerk

2001-45

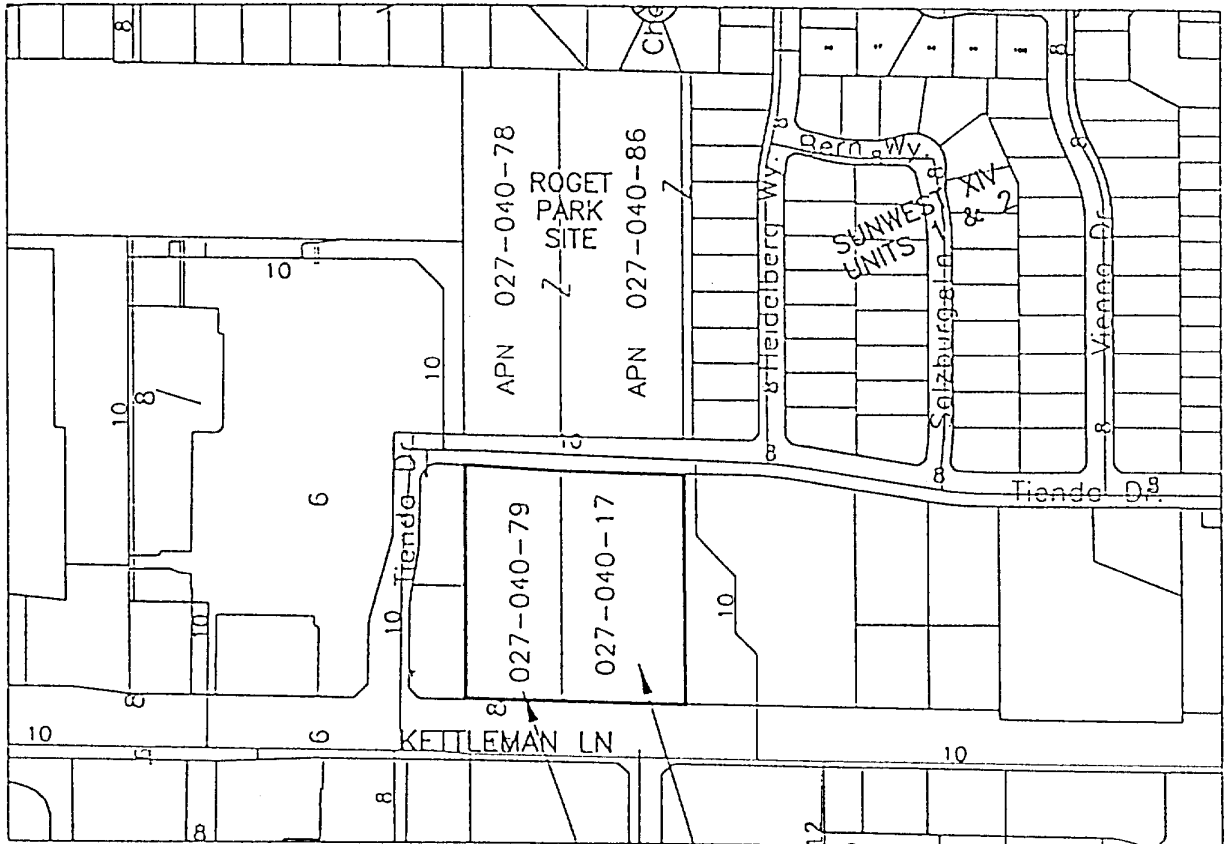


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

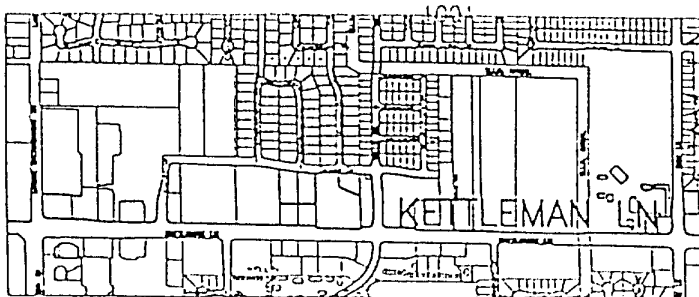
AREA OF BENEFIT



DETAIL

CHURCH OF NAZARENE
APN: 027-040-17
2241 West Kettleman Lane

APN 027-040-79
2223 West Kettleman Lane



VICINITY MAP

N.T.S.

Development: Tienda Drive Street Improvements
Engineer: Baumbach & Pizzi

Date: 1/4/01

TOTAL COST OF TIENDA DRIVE IMPROVEMENTS FUNDED BY CITY					REIMBURSABLE IMPROVEMENTS				
					A. APN 027-040-79		B. APN 027-040-17		
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total
Tienda Drive Improvements Sta. 11+16.21 to Sta. 15+65.31									
1	Street System								
1	Clearing & Grubbing	1	LS	\$6,800.00	\$6,800.00	0.22	\$1,496.00	0	\$0.00
2	Roadway Excavation	1,900	CY	3.50	6,650.00	418	1,463.00	0	0.00
3	Compact Original Ground (0-50')	21,250	SF	0.11	2,337.50	4,360	479.60	0	0.00
4	Compact Native Material (0-50')	21,250	SF	0.11	2,337.50	4,360	479.60	0	0.00
5	Aggregate Base, Class II (0-50')	21,250	SF	0.75	15,937.50	4,360	3,270.00	0	0.00
6	Asphalt Concrete, Type B (0-33')	21,250	SF	0.85	18,062.50	4,360	3,706.00	0	0.00
7	Vertical Curb, Gutter & Sidewalk	770	LF	24.00	18,480.00	198	4,752.00	0	0.00
8	Concrete Subgrade Compaction	6,738	SF	0.25	1,684.50	1,485	371.25	0	0.00
9	Remove Existing Barricade	1	EA	250.00	250.00	0.25	62.50	0	0.00
10	Street Lights	2	EA	2,320.50	4,641.00	0.50	1,160.25	0.50	1,160.25
	Subtotal				\$77,180.50	Subtotal	\$17,240.20	Subtotal Street System	\$1,160.25
						10% Engineering & Administration	\$1,724.02	10% Engineering & Administration	116.03
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4	Fire Hydrant Assembly	1	EA	1,400.00	1,400.00	0.25	350.00	0.25	350.00
5	10" Water Service (Sta. 13+08 & 15+00)	110	LF	27.00	2,970.00	55	1,485.00	55	1,485.00
6	10" Cross (Sta. 13+08)	1	EA	27.00	27.00	0.50	13.50	0	0.00
7	Blowoff	4	EA	600.00	2,400.00	1	600.00	1	600.00
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						Total Water System	\$4,647.23	Total Water System	\$5,363.88
	Total Costs:				\$95,047.50	Total	\$23,611.45	Total	\$6,640.15
						Engineering Plan Check Fee (4.5%)	\$1,062.52	Engineering Plan Check Fee (4.5%)	\$298.81
						Engineering Inspection Fee (2.5%)	\$90.29	Engineering Inspection Fee (2.5%)	160.00
						Reimbursement Application Fee ⁽²⁾	\$90.00	Reimbursement Application Fee ⁽²⁾	110.00
						Total	\$25,654.25	Total	\$7,214.06
	Reimbursable Costs:					A. APN 027-040-79	\$25,654.25	B. APN 027-040-17	\$7,214.06
	Interest from 1/00 to 1/01: ⁽³⁾						\$640.31		\$160.08
	Total Reimbursable Costs (2001):						\$26,294.56		\$7,395.04

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⁽³⁾ The interest is calculated based on the formula shown below. The reimbursable costs will be recalculated in January of each year in conformance with LMC 16.40.50 A.3.

Reimbursable Costs x (ENR Index for January 2001 - ENR Index for January 2000)
ENR Index for January 2000



DECLARATION OF MAILING

**PUBLIC HEARING FOR FEBRUARY 21, 2001 TO DISCUSS A RESOLUTION
ESTABLISHING AN AREA OF BENEFIT AND REIMBURSEABLE COSTS FOR
TIENDA DRIVE IMPROVEMENTS FRONTING PARCELS AT 2223 AND 2241 WEST
KETTLEMAN LANE**

On January 19, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

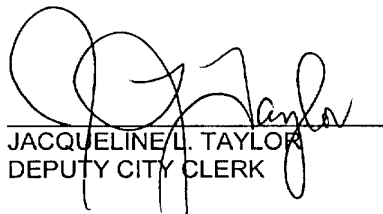
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

PH - Tienda Drive

LODI CARE GROUP LLC
5720 LBJ FREEWAY STE 450 LB 16
DALLAS TX 75240-6339

HEALTH CARE PROP INVESTORS INC
1000 2ND AVE STE 3950
SEATTLE WAS 98104-1046

WAL MART STORES INC 1789
1301 SE 10TH ST
BENTONVILLE AR 72716-0555

BDC LODI PLAZA LP
2525 E EL SEGUNDO
EL SEGUNDO CA 90245-4632

FIRST LODI PLAZA ASSOCIATES
1 MCDONALDS PLAZA
OAK BROOK IL 60521

BRITTANY LLC
317 W LODI AVE
LODI CA 95240

LOWELL B FLEMMER
2031 BERN WY
LODI CA 95242

COSTAMAGNA PARTNERS LP
PO BOX 131
WOODBIDGE CA 95258

A FRED & G CAMY BAKER
PO BOX 1510
LODI CA 95241-1510

JOHN & KERRY GIANNONI
2000 W KETTLEMAN LN STE 107
LODI CA 95242

LODI FIRST NAZARENE CHURCH
2223 W KETTLEMAN LN
LODI CA 95242

BDC LODI PLAZA LP
100 SWAN WY STE 206
OAKLAND CA 94621

RONALD DUNSCOMBE ETAL
9689 RODDEN RD
OAKDALE CA 95361

LODI RETIREMENT RESIDENCE LLC
2250 MCGILCHRIST ST SE STE 200
SALEM OR 97302

WINFIELD & HELEN ARCHIBALD
1270 HEIDELBERG WY
LODI CA 95242

MICHAEL & SUSAN THOMAS
1252 HEIDELBERG WY
LODI CA 95242

KENNETH & NANCY HYSKE
1263 HEIDELBERG WY
LODI CA 95242

DAVE & KATHY WILLIAMS
1255 HEIDELBERG WY
LODI CA 95242

CHRIS & LA VETA KESZLER
1111 W TOKAY ST
LODI CA 95240

JEANNE E PAOLETTI TR
12373 N LOWER SACRAMENTO RD
LODI CA 95242



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Wednesday, February 21, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 21, 2001** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) a Resolution establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements fronting the parcels located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively)

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: January 17, 2001

Approved as to form:

Randall A. Hays
City Attorney